MY CHURCH POLITICS:

IN

LETTERS TO MY PEOPLE.

BY THE REV. N. MORREN.

THE HEADSHIP—ERASTIANISM—THE STRATHBOGIE PRESBYTERY.

My Dear Friends,

In my last Letter, I called your attention to the governing motive by which the Church was actuated in framing and passing what is commonly called the Veto Law. We found, from a variety of considerations adduced, that she adopted that measure, not as one of strict conscience, or essential principle, or indispensable necessity, but simply as an expedient in ecclesiastical polity, which she was advised lay within her power by the law of the country, for imposing a popular check on the exercise of patronage. It could not have been because a majority of her ministers suddenly came to espouse the notion, that proof of the people's consent is an essential requisite, an indispensable condition to the validity of ordination; for, if so, the greater portion of them would have ceased to be ministers by their own showing;—seeing that they themselves had been ordained and inducted without any proof having been asked, or given, as to whether the people dissented from their settlement or not. Nor can it easily be believed, that the motive of the majority in making the law was, that they held the Church's previous practice, (however objectionable on the score of expediency,) to be absolutely sinful. For they themselves had up to that period taken a part in many a settlement, which had been conducted according to that practice;—and there is no doubt whatever that they would have been going on doing the same thing still, had they not obtained a majority in the Church courts, which enabled them to carry their new measure. They had protested indeed, against the old system,

but had still continued (in obedience to their ecclesiastical superiors,) to be active instruments in carrying it out;—a fact which cannot be reconciled with the notion of their holding that system to be absolutely criminal, without implying the severest reproach on their moral character.

That they should, for the first time, have discovered it to be sinful, when their party acquired the ascendency, would be one of these remarkable coincidences by which charity itself is staggered, and at which candour stands aghast.

But we showed you, that these assertions of injudicious friends as to the motives of the majority in passing the Veto Act, would not more reflect on the character and consistency of that majority than they are opposed to historical fact. We proved, (and we are happy to know, that we did so to the satisfaction even of prejudiced minds,) that that measure did not, strictly speaking, originate *within* the Church at all,—it was forced upon her by the pressure from without; it arose from the demand for popular rights coeval with, and consequent upon the Reform bill,—it was a substitute for a parliamentary measure once contemplated for the regulation of Church patronage in Scotland; it was designed as a means of strengthening the Establishment against the attacks which at that period began to be directed against it by the Voluntary Dissenters. The Church, in short, did not so much view the matter *subjectively*, in its supposed bearing on the validity of ordination; she viewed it *objectively* as a desirable privilege, which she was advised she could of her own authority confer upon the people. And the facts—the incontrovertible facts which follow, viz. that the leaders of the Church, before taking any step in the matter, did earnestly seek for high legal advice, as to the extent of the Church's prerogative; that they fixed, not on the call, but on the Veto, as being a less interference with the patron's right; that they would not have ventured to adopt even that, had they known it to be illegal, or could they have foreseen all the direful results which have followed, and still threaten to follow it—affecting the peace, the prosperity, the very existence of the Established Church—the fact, moreover, that in their negotiations with the government, the Church's leaders have once and again expressed their willingness to substitute the discretionary Veto of the Presbytery, for the absolute Veto of the people—all these, and many other considerations which might have been mentioned, prove beyond contradiction and controversy, that the measure in question was not, and could not, in the nature of the case, have been viewed as matter of principle or conscience, and may therefore be abandoned by the Church without the sacrifice of either.

I in the next place brought before you the course which was open to the Church to pursue, when she found that in the judgment of the Supreme Civil Court she had exceeded her constitutional powers, and when, after a protracted negotiation, the legislature refused to ratify her law. The alternative was, either the rescinding of her illegal enactment, or an honourable dissolution of her union with the

State. But to neither of these alternatives would the leaders of the Church consent. They held, that she had a right to retain the State's endowments, and yet set at nought the State's laws; that there is nothing she cannot do, provided *she thinks* it to be within her own prerogative, of which she is the exclusive judge; and on this ground they were continuing stoutly to maintain, that it was competent for them to retain both their Veto Law and their State-connection, when the recent decision of the House of Lords (finding damages due by the Presbytery to every illegally rejected presentee) opened their eyes to a perception of the practically untenable nature of the position which they had taken up, however finely they might theorise upon it. In point of fact, indeed, previously to that decision, and altogether independently of it, the disestablishment of the Church had begun already, in spite of all fine-drawn theories to the contrary. For in what does a national Church differ from a Dissenting body? Only in the civil advantages the State may confer. And who are *de facto* the sole judges of the tenure by which these civil advantages are held? Why, by the Church's own admission, it is the civil courts, unless the legislature interfere to alter the law as by them declared. And though the Church may, doubtless, after the loss of the temporalities of a parish, think fit to settle a man to the spiritual cure, that is no more than might be attempted to be done *with equal show of law*, by any dissenting body in any parish in Scotland. It is pure trifling then to talk of what the Church can do, unless you can show that she can do it not only as a Church of Christ, but as the national Church of this country. In the former capacity, she may do what she pleases; but in the latter capacity, she is, *in point of fact*, limited in certain matters by the law of the country, as interpreted by the law courts; for if she goes beyond that, she in so far ceases to be a national Establishment, because she thereby forfeits its peculiar and distinguishing advantages, which, being purely civil in their nature, are adjudicated upon, and disposed of by the civil courts.

I now proceed to illustrate the propositions which I laid down as containing my views of the Church's present position. My *first* proposition is this, "*That the Lord Jesus Christ is the sole King and Head of his Church, and that he has vested the government of it in office-bearers, who are distinct from the civil magistrate, and who are bound to administer its affairs according to the principles and rules of Christ's word.*" I have not at present to do either with Romanists, who see the earthly head of the Church in the bishop of Rome; or with Episcopalians of the Church of England, who acknowledge the ecclesiastical supremacy of the Sovereign of the country; and I therefore deem it unnecessary to enter on a lengthened demonstration of the proposition now laid down. It is expressed in the language of our Church standards, and its truth can be called in question by no sound Presbyterian. Now this doctrine, the doctrine of "the Headship," as it is called, I hold to be one of vital importance in the Christian scheme, and the denial of it, (either direct or indirect,) to be a very dangerous heresy. But it is that very consi-

deration which ought to incline us to treat a topic so sacred with becoming reverence, and to beware of profaning it by the too frequent an introduction of it into the language of angry debate. We are commanded "to honour the Son even as we honour the Father;" and surely the government and prerogatives of the Mediator are subjects which ought no more to be handled with levity or rashness, than the being and attributes of God.

It was once written and published by an English polemic, that the man who doubts the doctrines of diocesan episcopacy and apostolical succession, is a "downright Atheist." Have you never, my friends, heard language not very different from this nearer home? What is it that, throughout this lamentable controversy, has most tended to open the mouths of scoffers, and to grieve and disgust men of sober, serious minds, but the practice of certain disputants to fulminate their fierce anathemas against all who cannot receive *their* sayings in reference to the matter before us? And yet it is a remarkable circumstance, (as I shall show you by and bye,) that by none is the doctrine of the Headship more grossly and unblushingly trampled upon, than by some of these very persons who are constantly making it the ground of their railing accusations against their brethren.

They not unfrequently allege of those of us who may presume to differ from them, that while we use the same general terms as they in stating the doctrine, we attach to the words a different or covert meaning. Now for myself, I beg to say, that I for one hold the doctrine in the plain, obvious, unambiguous meaning of the terms in which I have stated it, without the least equivocation or the slightest reserve. I do believe that the Lord Jesus Christ is the sole King and Head of his Church, and that he has vested the government of it in office-bearers *who are distinct from the civil magistrate.* So far from wishing to shy or slur over that last clause, I think it enters into the very essence of a right definition of their powers. I hold, that if, on the one hand, *they* are distinct from the civil magistrate, so that he ought not to invade their province; on the other hand, the civil magistrate is just as distinct from *them*, so that they ought not to invade his. It is true that the encroachment of the one party does not justify the encroachment of the other. Still, (as we all admit in the affairs of common life,) in every case of alleged mutual grievance, it is always of great importance to ascertain who was the first aggressor; because, to use a common but expressive phrase, he does not come into court "with clean hands," and has less reason to complain of wrong done, if he has himself set the example by striking the first blow. Now, if it should so have happened, that the Church courts did, *first of all*, in forgetfulness of their Master's declaration, "My kingdom is not of this world," and in violation of the express command of their own Confession of Faith, "not to intermeddle with civil affairs which concern the commonwealth," (Confession, chap. xxxi.;)—if, without the shadow of authority from the Word of God, or the constitution of the country, they set themselves up as authoritative, legal, recognized interpreters of the Acts of a purely civil

body, (viz., the British Parliament,) then they just lost sight of the very fundamental principle now before us, viz., that as office-bearers of the Church, they are distinct from the civil magistrate.

Nor do I at all wish to evade discussion of the concluding clause of the proposition, viz. that the Church's office-bearers are bound to administer its affairs according to the principles and rules of Christ's word. This, indeed, is no more than what is the bounden duty of all men, whatever their stations and relations may be, seeing that He who is the head of the Church, is also the head of the State,—is the head of the universe, for all authority is committed to him in heaven and on earth. And whosoever therefore acts contrary to the principles and rules of his word, commits sin. But the government of his Church is doubtless, (as our Confession styles it,) a special ordinance of Christ for special ends, and they who are entrusted with it are bound to consult his will in all things, in so far as he has been pleased to reveal it. But it is of great importance to keep in view that though Christ, the head of the Church, be infallible, it does not follow that anything like infallibility belongs to those who claim to rule for him on the earth. They are not infallible as individuals;—they are not infallible when acting in a body, for as the Confession again asserts,—"All synods or councils since the apostles' time, whether general or particular, may err, and have erred,"—a consideration which should induce them to promulgate all their opinions and pronounce all their judgments with becoming diffidence and humility, and to advance all their claims to *power*, (more especially *power within the state*,) under a deep sense of the danger of their abusing it if uncontrolled. What has been the besetting sin of churchmen in every age? what but the love of power? And what are our churchmen but *men*, weak, erring, fallible men, subject to like passions, and encompassed with the same infirmities as their fellows?

Accordingly, you find that the New Testament is full of hints and admonitions to them, on these and such like points. They are not to be "lords over God's heritage;" they are not to have dominion over the people's faith or (as the word means,) they are not to *lord it over* them in respect to their faith; they are not to make the people receive their dogmas as *oracles;* and instead of keeping them for years in a vortex of unprofitable controversy, they are to be "helpers of their spiritual joy." In common with other Christians, they are to walk in wisdom towards them who are *without*, and not to let their good be evil spoken of, remembering that all things lawful are not always expedient. As members of the state they are to lead quiet and peaceable lives in all godliness and honesty. They are to act indeed as Christ's freemen, and to stand fast in the liberty wherewith He has made them free; but though free, they are not to use their freedom as a "cloak of maliciousness," or "an occasion to the flesh,"* that is, they are not to employ any spiritual liberty they may claim as an occasion or pretext for interfering with the declared

* 1 Pet. ii. 16; Gal. v. 13.

statutory rights of their fellow-subjects, far less as the means of gratifying party spirit or private malice and revenge. They are to "render to all their dues," and not make the very powers which the state has conferred on them, the instruments of illegally limiting or nullifying the privileges she has conferred upon others. In a word, while they are bound to stand up for the legitimate rights of their Lord and Master, they are, in so doing, to beware of self-seeking and self-exaltation, self-complacency and self-confidence. They are to admit the possibility of their going wrong, and ought not to be unwilling to retrace a false step, through obstinacy or pride. Above all things, they are to beware of confounding the power and prerogatives of Christ the Mediator with their own selfish aims, their own ambitious aspirings, their own restless attempts at domination, either spiritual or civil, lest unhappily, in professing to seek to exalt Him, they are rather found seeking to place SELF on his throne, and to wield the power they claim for Christ chiefly for themselves.

Now with respect to the rules for the government and discipline of the Church, its office-bearers are left to be guided by the views they draw from the New Testament. Their duty is to study that "law" of Christ's house, with prayer for divine teaching, and to act in nothing contrary to that divine "testimony." It is known, however, by all who have studied the subject with attention, availing themselves of the lights furnished by the principles of correct scripture-interpretation, and the early history of the Church, that while there are certain general principles of spiritual polity which are never to be departed from, there is at the same time a large discretionary power given to the Church's governors, to act according to circumstances, as Christian prudence and Christian expediency may dictate; and, my friends, in the latitude of thought and freedom of action thus afforded them, we may discern much of the wisdom of the Church's great Head. There are many things in the arrangements of Church government which may suit the genius of one country, and may be ill adapted to that of another; yea, may be differently suited to the same country at different periods of its history. There may be certain things, moreover, to which there would be little objection were they the rule of a Dissenting body, but which would be of very questionable tendency in a Church connected with the state. There are even things which might be admitted without harm in an Established Church under a republic or democracy, which it might be of dangerous consequence to insist upon in a Church connected with a limited but mixed monarchy like ours. Now, the Church's own office-bearers are on these points left to their own sense of duty, regulated by reason, conscience, and the written word; and they are not to be condemned as violating their allegiance to the Church's Head, by those who see some of the arrangements they acquiesce in or approve of in a different light from them. But I will tell you, my friends, who are justly to be condemned, and cannot be too severely condemned by all honest men,—it is they who regard any of these arrangements in Church government as anti-scriptural and sinful,

contrary to the mind and will of Christ, and a robbery of the purchased rights of Christ's people—and yet holding these views, were themselves admitted to office in the Church, and retain office with all its emoluments and prerogatives, by virtue of the very system they so loudly denounce as criminal and impious in the case of others.

If a man thinks that lay-patronage (however objectionable in other respects,) is not absolutely contrary to the word of God, there is no inconsistency in his receiving and retaining office in the Church by means of it—even though he may see it his duty, after his admission, to exert himself in a constitutional way to have patronage modified or even abolished. But what shall we say of the man who says patronage is *Erastian*, (in the party sense of the term,) *i. e.* a practical denial of the supreme Headship of Christ:—the man who maintains the system to be not merely *unscriptural* (*i. e.* without scripture warrant,) but *anti-scriptural*, *i e.* directly opposed to the revealed will of the Master;—the man who believes in the *divine* right of the people to choose their own pastors and rulers:—what shall we say of a man having, with views like these, thrust himself into the Church by the channel of patronage, and taken part in the settlement of others, who were introduced by the same criminal, Erastian, anti-scriptural medium? In vain does he tell us, that along with his presentation there was a call from the people. Even though that call had been signed by a majority of the parish, (which in nine cases out of ten it was not,) the question always recurs, How did he get at the call, but in an Erastian, anti-scriptural, sinful manner? There were two stages in his elevation, as in that of a man who has reached the second story of an edifice. He boasts of having arrived at the second stage by a proper and lawful access; but how he did get at the first stage, without reaching which he never could have attained the second? Why, by a method which, he says, robbed the people of their *divine* right to a free election, by limiting their choice to himself. If the people do possess such a right, surely it is not less valuable than the use of the cup in the Eucharist, and yet, (as you are aware,) the denial of that privilege to the laity was one of the reasons for our reforming ancestors leaving the church of Rome. We say then, that the man who entertains these sentiments, and yet retains a lucrative office in what he deems an Erastian Church, is in a position, the glaring inconsistencies and palpable dishonesty of which, are obvious to all eyes but his own, and out of which the most ingenious sophistry will not extricate him. If his own principles are correct, he is a self-convicted Erastian, a rebel traitor to the Church's king ; he has daringly plucked the crown from the Mediator's head, and is receiving what he must hold to be the wages of corruption and unrighteousness; in short, he is a heretic of the description of those of whom the apostle says that the sin is the more aggravated, "because he is condemned of himself."

But, having used the magical term *Erastian*, we must dwell upon it a little; it is closely connected with the subject we are now handling. There is nothing you more frequently hear now-a-days than

the expressions: "Such a sentiment is *Erastian;* do not listen to that man, he is an *Erastian.*" These are high-sounding terms of abusive reproach, which many find it convenient to substitute for argument, and which do pass current as good argument with the vulgar and illiterate; for just in proportion to a person's want of comprehension of the meaning of an opprobrious epithet, does he magnify in his own mind the reproach he would thereby convey. We must therefore show you, who, and what, an Erastian really is. Erastus himself was a German physician, who flourished soon after the Reformation, and having seen, and perhaps felt, the gross abuse of Church power both among Catholics and Protestants, was driven into various extreme and absurd notions; such as, that all are to be admitted indiscriminately to Church privileges who apply for them; that the Church's office-bearers have nothing whatever to do with the misconduct of its members: that the censure of every kind of vice is the exclusive province of the civil magistrate, &c. In the widest sense of the term, there is reason to believe, that the only Erastian who ever lived was Erastus himself. But in the following (*i. e.* the seventeenth) century, when the first Covenanters had succeeded in restoring Presbytery in Scotland, and had obtained also a wide footing for it in England, the celebrated John Selden and others, members of the English House of Commons, and the Westminster Assembly of Divines,* thought they saw very great danger to the commonwealth from the unlimited independence and uncontrolled jurisdiction *within the state*, claimed by Presbytery. They feared that, as Milton says,—

"New *Presbyter* was but old *Priest* writ large,"

and they therefore advocated certain views regarding the power of the civil magistrate in ecclesiastical matters, which from being in some respects the same as those of Erastus, were called Erastian. Now, my friends, amid all the outcry that has of late years been raised on the subject, it would be a curious circumstance if it should turn out, that there were Erastians, able and influential Erastians, actively concerned in the drawing up of our own Confession of Faith, and that before that document was finally sanctioned, it had to pass through the searching examination of the Long Parliament of England, most of whom were deeply tinctured with the same principles. And yet these are historical facts which cannot be gainsaid; for we find, that in the process of drawing the Confession up, and finally revising it, there was a constant struggle between these persons and their opponents—a struggle which frequently ended (as most struggles of the kind commonly do) in a friendly compromise, not involving, however, the sacrifice of essential principle, at least on the part of the majority. On the main question of a Church-government, distinct from that of the civil

* Selden was one of the lay-assessors. The Assembly was prohibited from assuming any Ecclesiastical powers not delegated to them by parliament, and in the event of any difference of opinion arising among themselves, either of the two Houses was to direct their proceedings. For proof of the facts stated in the text, the reader is referred to the recent edition of *Baillie's* Letters, vol. ii. p. 267, 307, 346, &c., or *Aiton's* Life of Alexander Henderson, p. 520—580.

magistrate, as well as the exclusion of the latter from the administration of the word and sacraments, and the power of the keys, (*i. e.* the exercise of Church discipline,) the Erastians were defeated. But it was with the utmost difficulty, that those of them who were in Parliament could be brought to consent to the keeping back ignorant and scandalous persons from the sacraments. They got a vote passed for there being a power of appeal from the General Assembly to the Parliament, and this even the Scottish Commissioners would have been willing to allow, had it been limited to "complaints of injurious proceeding." They appointed *civil* commissioners in every county, to take cognizance of ecclesiastical causes, and especially of certain descriptions of scandals to be brought before them by Kirk-sessions, and reported by them with their judgment to Parliament; and here again the Scottish delegates were inclined to acquiesce, provided the scandals were to be reported to Parliament, by the letters of the eldership or in any other way but what was proposed. Why do I mention these facts? Not certainly to prove that our Confession *is* Erastian, (for as to one of the fundamental principles of the system, I have already said that it is not,) but to show you that Erastian influence, whether for good or evil, was busily exerted on its compilation; a circumstance which does not make it one whit the better or the worse, unless in so far as the tenets we find actually embodied in it are or are not agreeable to the Word of God.

The assertions I have now made, are confirmed by *internal* evidence. Let any unprejudiced man carefully read this Confession, in connection with the historical facts I have now stated; let him take along with him especially the circumstance that the production of it was the result of the often conflicting, but in the end mainly accordant opinions of different ecclesiastical parties, each striving to have their own views represented in it; and he will discover in various parts of it, and especially in the famous xxiii. chapter, manifest traces of the influence of Selden, Prynne, Whitelock, and their coadjutors. Thus, while it is asserted, that the civil magistrate may not assume to himself administration of the word and sacraments, or the power of the keys of the kingdom of heaven; (which power is afterwards described in the xxx. chapter, as consisting in the admission to, and exclusion from, Church privileges;) yet, it is added, "he hath authority, and it is his duty to take order that unity and peace be preserved in the Church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered, and observed; for the better effecting whereof, he hath power to call Synods, to be present at them, and to provide, that whatsoever is transacted in them be according to the mind of God." Then it is said in the next section, that it is the duty of people (among other things) to obey the lawful commands of magistrates, and to be subject to their authority for conscience sake; and to prevent all misconception, it is added, that "infidelity or difference in religion, doth not make void the magistrates' just and lawful authority, nor free the people from their due obedience

to him *from which ecclesiastical persons are not exempted.*" Now, if the first part of this extract explodes Erastian error, there is no doubt that a large portion of it is made up of what I fear must be called Erastian truth; and if truth it be, it is none the worse for having been held by men called Erastians. Call it then Erastian—call it Laudian—call it Beelzebub if you will, it is truth which every minister and elder of the Church of Scotland stands sworn and engaged to profess, maintain, and defend; for while we have disowned and renounced all Erastian errors, we have not disowned one particle of Erastian truth; we have not *yet*, at least, renounced this xxiii. chap. of our Confession, the introduction of part of which, there is presumptive evidence to show, was very much the work of the Erastian party.

But before leaving this bug-bear of Erastianism, I must remind you of the curious fact, that among the other crude, undigested incongruous, constantly-shifting schemes brought forward by the Church's younger, more restless, and Jehu-like leaders, there was a proposal for the simultaneous erection, throughout Scotland, of certain wooden fabrics, to be the resort of a new Secession, and the name which this schismatical Church was to bear was, "the NON-ERASTIAN Church of Scotland." Now, of the many singular phenomena we are likely to witness in this stirring age, certainly one of the most extraordinary would be, to see a Church calling itself by way of distinction, *Non-Erastian*, and yet basing itself upon this Confession of Faith. Not that the Confession *is* Erastian, but neither can it be distinctively called Non-Erastian; and to designate it or any Church founded on it by that name, would be a complete abuse of words, showing only the gross ignorance of the blind guides who mislead. If there are those who intend to set up any such Church, let them first have the candour to tell the people that they must have a new Confession of Faith, for certainly the old one will not answer their purpose, until at least, like the "New Lights" of the Secession (whose principles they are rapidly but unconsciously embracing,) they agree to expunge this portion of it. Will the Old Light brethren, who lately rejoined us, and who stood up so manfully for the integrity of the Confession, now form part of a Church whose "Testimony" will be substantially and practically that of the "New Lights?"

But in returning from this apparent digression, (though in reality it has a close connection with the subject,) I shall explain to you the idea which I have formed of the line which separates the civil power from the ecclesiastical, by selecting two distinct illustrations, —one case, in which, during the course of the present struggle, I humbly conceive the civil magistrate *has* gone beyond his scriptural and constitutional province; and another case, in which, though loudly accused of having done so, to my apprehension he has *not.*

With regard to the former point, I presume, that all of you will allow, that there *may* be such a thing as the unwarranted encroachment of the court civil on the court spiritual,—that it is *possible* for the civil magistrate to invade and trample upon the rights of ecclesiastical

judicatories. Is there one of you who will venture to say, that he is certain this has in no single instance been done of late years? Is it not a circumstance of itself fitted to excite suspicion, that there has scarcely been one application made to the civil court in opposition to the Church's actings, which that court has not entertained, and immediately granted, almost as a matter of course. The simple fact then of their so frequent, ready, I had almost said, eager interference, is a thing of which every sound Churchman ought to be very jealous, yes, and every British subject also; for if that interference be unauthorised by statute law, it is a serious inroad on the British constitution, and may serve as a precedent and a pretext for infringing on other corporate rights besides those of the Church. What is called "common law," may be made an engine of great oppression; and I for one have as great a dislike to judge-made Ecclesiastical law, as to Church-made civil law. In this contest, moreover, the Church is practically the weaker party, and is therefore the more entitled to public sympathy, which I am confident she would have received to a much greater extent than she does, were there not a general, and I am sorry to say, too well founded an impression abroad, that she was the first aggressor. Indeed, one of the most distressing things in the whole of this controversy, is, that the Church, by persisting in grasping at what is beyond her reach and does not belong to her, necessarily puts herself more in the way of being interfered with by the civil court than could ever have happened, and I may safely say, than ever would have happened, had she kept within the sphere allotted to her by the constitution. Still this does not justify the gross invasion of any of her spiritual prerogatives; to apply a common proverb, because you think your neighbour takes from you an inch, that gives you no right to take from him an ell. The unauthorised and unconstitutional encroachments of the civil power are not the less dangerous, because the Church's own attempt at usurpation was the occasion of their being made.

Now, that there has been no excess of jurisdiction, no wanton stretch of authority on the part of the civil court in the Church controversy, cannot well be affirmed by any reasonable man. Need I remind you of the indiscriminate granting of all manner of *interdicts**—interdicts granted even before the court had ascertained its jurisdiction in the matter at all—interdicts granted only to be broken, and which have tended to bring the law-courts and law itself into contempt. Need I remind you of the injunctions and prohibitions addressed to ministers, elders, and Church courts in reference to their "administration of the word and sacraments," and the infliction of "Church censures;" matters from the handling of which, the civil magistrate is, by the Confession of Faith expressly excluded,

*For the Court of Session to claim and exercise a *prima facie* jurisdiction in *any* matter that may be brought before it, even though it should afterwards be found to be beyond its province, is a kind of temporary, conditional, constructive usurpation, which is of very dangerous tendency to the Church's liberties.

and for intermeddling with which, (at least in this direct manner,) he has not the shadow of right by any statute of the realm. And there is the less reason for his attempting any such interference, because (as the late decision of the House of Lords has shown in the case of Auchterarder) the civil court has in its own hands ample and sufficient means of redressing civil wrongs, (*by whomsoever inflicted,*) by the simple application of competent and effectual *civil* remedies, without at all going out of its own constitutional province.

But the case I have more particularly in my eye, as affording the instance of an incompetent and unconstitutional interference of the civil court, is the extent of power it assumed (power *spiritual* as well as civil) in the case of certain ministers of the Presbytery of Strathbogie. These gentlemen were deposed by the General Assembly of 1841,—for disobeying the law of the Church, says one party; for obeying the law of the land, says another. With the merits or demerits of the sentence pronounced on them, we have at present nothing to do, but simply with the *kind of redress* they sought under it. That sentence had obviously a twofold aspect, according as you view it in its connection with the law of Christ, which was purely *spiritual;* or in its connection with the law of the country, which was purely *civil*—the one affecting their spiritual character and official *status* as ministers of Christ, the other affecting their temporal emoluments, and all their other privileges as ministers of the national Establishment. If they thought (looking at the sentence in its former aspect) that it was an unrighteous one, as before the Lord Jesus, the sole King and Head of the Church, by virtue of whose authority *alone* ordination had been conferred on them by the laying on of the hands of the Presbytery, they might then simply have protested, as did the Fathers of the Secession, that they are still ministers of the Gospel, notwithstanding of their unlawful deposition; appealing (as did Gillespie, the Father of the Relief) to the judgment-seat of Christ. And with respect to all their civil prerogatives, they had the civil courts to appeal to for protection, in the event of any one endeavouring to molest them in the possession. But the course they thought fit to adopt was different from this, and one which, whatever may have been their reasons for pursuing it, has assuredly proved a stumbling-block to many a serious and unprejudiced mind; has materially injured their own cause in the religious world; has stifled the sympathy, alienated the confidence, and prevented the co-operation which in many quarters they might have received in their resistance to ecclesiastical tyranny; has mightily strengthened the hands of their opponents, and in the same proportion weakened their own; and next to the violent courses of some on the other side, has done more to widen the breach in the Church, than any other circumstance that has yet occurred. What was the course they pursued? Why they went straight to the civil court, asking them *simpliciter*, to review and reverse the sentence of deposition, and that court, accepting without scruple a jurisdiction which they certainly had never exercised before, granted the demand in its full extent.

Now, I am far indeed from thinking, that the point at issue is free from difficulties. I admit that many plausible things may be advanced to vindicate the course that was adopted; and those who hold sacred the ordinary forms and routine technicalities of our law-courts, will not easily be persuaded that any thing else could have been done than what was done. To others, it may seem one of the cases in which it is next to impossible to trace out the line of demarcation between what is civil and what is spiritual. But even though it were so, it would not thence follow, that the civil court was justified in its unqualified interference. Be it a case of doubt—if a lawyer gives the benefit of his doubt to his own court, I know not why a Churchman should not give the benefit of his doubt to the Church. But if, on the other hand, the line of distinction can be drawn with some degree of accuracy, and if the civil court has overstepped its own boundary by only a single inch, then it is all the more needful for the Church to repel the encroachment; to plant its foot firm at the boundary line; to contend that the offices of the civil and spiritual magistrate shall not be allowed to merge in the same persons, and that the power of the sword and the power of the keys shall not be wielded by the same hands.

Are then the sentences of the ecclesiastical courts to be subject to the direct, immediate, complete, final review of the civil court, as if it were a court of appeal in matters ecclesiastical? That is the question—and it seems to me *the* question of a standing or falling Church in this country. Now, in giving you my reply to that question, I would beg you to observe, that I am not one of those who think, that *in no case* can the sentences of an ecclesiastical judicatory (even those which inflict Church-censures) be reviewed by the civil court; but then let us distinguish between the reviewing a sentence as to the *form*, and the reviewing it as to the *merits* and *substance*. For example, there is an Act of parliament 1707, (under which the Church has consented to continue established for more than a hundred years)—which "authorises and appoints the court of session to cognosce and determine in all affairs and causes, which formerly belonged to the jurisdiction of the commissioners for the plantation of kirks, and erection of parishes." But, if the Church overlooking this Act, or mistaking its legal import, has been illegally erecting parishes of her own authority, and admitting the ministers and elders of these parishes into the various Ecclesiastical judicatories;—there can be no question that the civil court may competently find, that these not being legally erected parishes, the ministers and elders were illegally received into the Church courts of the country; that the constitution of these courts was consequently vitiated by their introduction; and that from that period, all their sentences (including even Church censures,) must be held to be null and void. The case supposed is, as you are aware, now in course of being tried at law; and in the event of its being decided against the Church, there are various persons who have been deposed for drunkenness, theft, and other crimes, who will probably take advantage of the decision, to procure a reversal of the sentences pronounced against them.

But even if the civil court should *for that reason* reverse these sentences, it would be a gross mis-statement of fact, fitted only to mislead and inflame the vulgar, to affirm, (as do some,) that the court of session would be protecting thieves and drunkards. Every man of sense sees it would be doing no such thing;—it would be merely finding that these persons had been tried by courts, upon whose constitution it is authorised to pronounce by statute law; and finding that they had been tried by illegally constituted tribunals, it would pronounce them to have been *in point of form* illegally condemned. But if now, the civil court, not satisfied with deciding the case as to this point of *form*, were to enter into the *merits*,—if they were to take it upon them to examine the charges brought against one of these men, and hear the evidence for and against him, and pronounce a sentence either confirming or reversing the judgment of the General Assembly,—that, you must see, would be a direct interference with the inherent functions, the native unalienable prerogatives of the Church, which would cut up its independent spiritual jurisdiction root and branch, and could not be submitted to without the forfeiture of its character as a Church of Christ.

But it may be alleged, that while this holds good, and must be admitted as a general principle, "that civil courts cannot take off spiritual censures," (at least, when inflicted by legally constituted Church courts,)—still there is this speciality in the case of the deposed ministers of Strathbogie, that their only crime was obeying the law of the country, and that the ends of justice required that the civil court should review the sentence on them, not only in the form, but on the merits, otherwise it could not extend to them the *civil* protection to which they were entitled. Well, if the distinction here drawn between *spiritual* redress and *civil* protection had been carefully made by the deposed brethren, in their application to the court, and by the court in its judgment, there would have been less evil created by the interference; because with that saving reservation, it could not so readily have been drawn into a precedent in other cases, where the same plea of illegality cannot be urged. And would it not have been enough for all the substantial ends of justice to have held, that even in a case like that of Strathbogie, the civil court would only go so far into the merits, as to enable it to dispose of the application merely in its *civil* effects? But when that court proceeded to review and reverse *simpliciter* the sentence of deposition in all its bearings and consequences, without distinction, and without reserve, it certainly did seem to claim for itself a power which the Word of God and the Confession of Faith have most plainly denied it, and which the law of the country has no where bestowed. The Court of Session reversed the sentence of deposition, by the technical process of suspension and interdict, in precisely the same terms which it would have used in reversing the sentence of any inferior civil court, from which there lies to it a recognised constitutional appeal. What was that but saying, "We sustain this your appeal; we reverse the sentence on the merits; we authoritatively declare that you are still ministers of the Gospel; we

continue to you by virtue of the powers vested in us, the administration of word and sacraments, and all other spiritual functions of which that sentence would deprive you; we virtually re-ordain you, and we authorise you as re-ordained men, to go on exercising the office of the holy ministry as heretofore." But how could a body of laymen, however dignified in station, clothe with the ministerial character those who had been deprived of it by a competent court? how could they restore that which they never could have imparted? The inconsistency of their procedure becomes at once apparent, when you contrast it with what they did in the case of Auchterarder. They first judicially declared, that the Presbytery by rejecting the presentee had acted illegally; and this they had a perfect right to declare. They have since found that both he and the patron, on account of that illegal rejection, are entitled to damages, and that also (whether right or wrong in point of law) was perfectly within their constitutional province to award. But what would you have thought, if instead of this they had actually proposed to take him on trial, and ordain him themselves? Would you have said that that was agreeable either to the Word of God or the constitution of the country? And where, I beg to ask you, is the essential difference between conferring ordination and restoring it—between saying to one man, "We make and admit you a minister," and to another, "We re-make and re-admit you?" If these gentlemen were unlawfully deposed as in the sight of Christ, they are doubtless his ministers still; but if otherwise, then no judgment of a civil court, no Act of Parliament, no power on earth can give them ordination, (or what amounts to the same thing,) can enable them to retain it, if they have been deprived of it by a competent and legally constituted court.

But while I regard that procedure as an invasive usurpation of the unalienable rights of the Church,—I hold it at the same time to be wholly unconstitutional, because unauthorised by any statute of the realm. In the *settlement* of ministers, the civil court has a certain recognized jurisdiction, arising out of the law of patronage, but it has nothing of the same kind in cases of suspension or deposition, unless to the modified extent we above defined. Does it any where find a right to depose or excommunicate a minister? No more will it find any right to take off either deposition or excommunication, unless the Ecclesiastical court that pronounced the sentence has been illegally constituted. There may indeed, be extreme cases, like that of Strathbogie, in which the civil court may bring the matter so far within the scope of its own jurisdiction as to redress manifest *civil wrong*, yet that can only be done by the legitimate application of a *civil remedy*; which the taking off a spiritual censure is not. I hold therefore, that for any civil court to pretend to restore to the exercise of spiritual functions persons who have been deprived of them by a competent tribunal, is as inept and incongruous, as it would be for a Church court to grant a decreet for civil damages, or to pretend to reverse a sentence of the court of Justiciary on a condemned criminal. I believe, that the free and unfettered

exercise of Church discipline is absolutely necessary to the efficient and honourable existence of a Church of Christ; and if the Church of Scotland is to be deprived of that privilege, by having her sentences subject to the review of the civil court, and her real independent jurisdiction laid prostrate at the foot of the civil power, then it is easy to foresee that "her time is near at hand, and her days shall not be prolonged."

In my next Letter, I shall consider the recent decision of the House of Lords in the case of Auchterarder.

I am,

My Dear Friends,

Your affectionate Pastor,

N. MORREN.

Greenock, Nov. 5, 1842.

W. G. BLACKIE AND CO., PRINTERS, GLASGOW.